

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

* * * * * C.R. NO. 19-112-JJM
*
UNITED STATES OF AMERICA *
*
VS. * NOVEMBER 19, 2020
* 10:00 A.M.
*
RONALD W. ZENGA *
*
* * * * * VIA VIDEOCONFERENCE

BEFORE THE HONORABLE JOHN J. McCONNELL, JR.,
DISTRICT JUDGE

(Change of Plea Hearing)

APPEARANCES:

FOR THE GOVERNMENT: JOHN P. McADAMS, AUSA
U.S. Attorney's Office
50 Kennedy Plaza
Providence, RI 02903

FOR THE DEFENDANT: JOHN E. MacDONALD, ESQ.
Law Office of John E. MacDonald
One Turks Head Place Suite 1440
Providence, RI 02903

Court Reporter: Karen M. Wischnowsky, RPR-RMR-CRR
One Exchange Terrace
Providence, RI 02903

1 19 NOVEMBER 2020 -- 10:00 A.M.

2 VIA VIDEOCONFERENCE

3 THE COURT: Good morning, everyone. We're here
4 this morning in the case of the United States versus
5 Ronald Zenga, 19-112. We're here for a change of plea.

6 Would counsel identify themselves for the
7 record, please.

8 MR. McADAMS: Good morning, your Honor. John
9 McAdams on behalf of the United States.

10 THE COURT: Good morning, Mr. McAdams.

11 MR. MacDONALD: Good morning, your Honor. John
12 MacDonald for Mr. Zenga.

13 THE COURT: Good morning, Mr. MacDonald.

14 Good morning, Mr. Zenga.

15 THE DEFENDANT: Good morning, your Honor.

16 THE COURT: Mr. Zenga, would you stand now, and
17 Ms. McGuire's going to swear you in.

18 THE DEFENDANT: Yes, sir.

19 (Defendant sworn)

20 THE CLERK: Please state your name for the
21 record and spell your last name.

22 THE DEFENDANT: Ronald William Zenga, Z-E-N-G-A.

23 THE COURT: Mr. Zenga, before we begin, we're
24 conducting this hearing remotely via Zoom. We're all
25 in different places, and we're doing that because we've

1 determined that it's not safe to bring people together
2 in the courthouse right now because of the pandemic.

3 You have a right to have your court proceeding
4 in person, but I understand that after talking with
5 your attorney you've determined that it's in your best
6 interest now to proceed remotely. Is that correct?

7 THE DEFENDANT: Yes, sir. Yes, your Honor, that
8 is correct.

9 THE COURT: And, Mr. Zenga, you waive any right
10 to be present for this hearing and to proceed remotely?

11 THE DEFENDANT: Yes, your Honor, I do waive that
12 right.

13 THE COURT: Great. And, Mr. MacDonald, you
14 agree with that waiver?

15 MR. MacDONALD: Yes, your Honor.

16 THE COURT: Great. Thanks. So, Mr. Zenga,
17 you're now under oath, and that requires you to give me
18 truthful answers to the questions I ask.

19 If you fail to give me truthful answers, then
20 the Government could bring further charges against you,
21 like perjury or giving a false statement or other
22 charges. Do you understand that?

23 THE DEFENDANT: Yes, your Honor, I do.

24 THE COURT: Okay. If I ask you a question that
25 you don't understand, just ask me to repeat it, and I

1 would be glad to. And if at any time you want to have
2 a private, confidential talk with your lawyer, you let
3 me know.

4 We have the ability for you to be able to do
5 that by sending you into a breakout room confidentially
6 so that just you and your attorney could speak. So if
7 at any time you need or want to speak with your
8 attorney privately, you let us know, and we can
9 accommodate that. Okay?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, you signed a plea agreement in
12 this case, Mr. Zenga. Do you remember signing that
13 plea agreement?

14 THE DEFENDANT: Yes, your Honor, I do.

15 THE COURT: And did you sign that plea agreement
16 after you thoroughly reviewed it with your attorney?

17 THE DEFENDANT: Yes, your Honor, I did.

18 THE COURT: And he answered all of the questions
19 that you had about the plea agreement?

20 THE DEFENDANT: Yes, sir, he did.

21 THE COURT: And did you sign that plea agreement
22 knowingly and voluntarily?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: Mr. Zenga, how old are you, sir?

25 THE DEFENDANT: I'm currently 45 years old.

1 THE COURT: Forty-five. And how far did you go
2 in school?

3 THE DEFENDANT: I have two master's degrees.

4 THE COURT: Okay. And have you been treated
5 recently for any mental illness or addiction to
6 narcotic drugs of any kind?

7 THE DEFENDANT: No, sir, I have not.

8 THE COURT: And as you sit here today, are you
9 currently under the influence of any drugs, medication
10 or alcoholic beverages of any kind?

11 THE DEFENDANT: Last night I took 50 milligrams
12 of Zolofl as prescribed by my doctor; but other than
13 that, no other substances, sir.

14 THE COURT: And does the taking of that Zolofl
15 last night affect in any way this morning your ability
16 to think clearly and act in your own best interest?

17 THE DEFENDANT: No, your Honor, it does not.

18 THE COURT: How long have you been taking Zolofl
19 for?

20 THE DEFENDANT: Approximately two years, sir,
21 now.

22 THE COURT: Okay. And you've not had any
23 adverse reactions from that or cloudy thinking or
24 anything like that from the medication?

25 THE DEFENDANT: Only when I began the

1 medication, sir, but I have not had that in two years,
2 sir.

3 THE COURT: Okay. And you don't have that this
4 morning; is that right?

5 THE DEFENDANT: I do not have that.

6 THE COURT: Okay. Great. Now, have you
7 received a copy of the Indictment? That's the written
8 charges that the Government has brought against you in
9 this case.

10 THE DEFENDANT: Yes, your Honor, I have.

11 THE COURT: Okay. And did you review that
12 Indictment with your lawyer and did he answer all of
13 your questions about the Indictment and the
14 consequences of the Indictment?

15 THE DEFENDANT: Yes, I did; and yes, he did.

16 THE COURT: And are you fully satisfied with the
17 representation that you've received from Mr. MacDonald
18 in this case?

19 THE DEFENDANT: Yes, sir, I am.

20 THE COURT: Now, Mr. Zenga, if you change your
21 plea to guilty today, you're going to give up certain
22 rights that you have under the Constitution and laws of
23 this country.

24 I want to make sure you understand that you have
25 these rights and that if you change your plea to guilty

1 you'll give up these rights.

2 So you have the right to continue to plead not
3 guilty as you have so far in this case, and you can
4 throughout all of the proceedings. If you were to
5 continue to proceed in a not-guilty plea, you'd be
6 entitled to a trial by a jury.

7 At that trial you'd be presumed to be innocent
8 and the Government would have to prove each and every
9 element of the charges it brings against you beyond a
10 reasonable doubt.

11 You'd have a right to see and hear, confront,
12 have your lawyer cross-examine all of the witnesses and
13 the evidence that the Government would put on in order
14 to prove its case against you.

15 You'd also have a right to put on a defense. In
16 fact, you could subpoena people, require them to come
17 to court and testify in your defense.

18 You would also have a right to testify at that
19 trial; but, more importantly, you would not have to
20 testify. And if you chose not to testify, that fact
21 could not be used against you in any way by the Court
22 or by the jury; but if you change your plea to guilty
23 today, Mr. Zenga, you're going to give up all these
24 rights and there will be no trial.

25 You understand that you have these rights and

1 that if you change your plea to guilty you'll be giving
2 up these rights?

3 THE DEFENDANT: Yes, your Honor, I do understand
4 that.

5 THE COURT: Has anyone in any way attempted to
6 force you to plead guilty or threatened you in any way
7 to get you to plead guilty?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Has anyone made any promises or
10 assurances to you other than what's contained in the
11 plea agreement to get you to plead guilty to these
12 charges?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: So are you knowingly and voluntarily
15 today changing your plea to guilty because you've
16 determined at this time it's in your best interest to
17 do so?

18 THE DEFENDANT: That is correct, your Honor.

19 THE COURT: Okay. Now, I want to review with
20 you what the maximum penalties are that the Court could
21 impose at the time of sentencing in this case. Each
22 count brings with it different a maximum penalty and
23 minimum penalty in some instances.

24 So Count I has a minimum -- mandatory minimum of
25 10 years up to a maximum of lifetime of incarceration,

1 a \$250,000 fine, a lifetime of supervised release, a
2 \$100 mandatory special assessment and a \$5,000
3 additional assessment.

4 Count VI, which is the distribution charge,
5 comes with a five-year mandatory minimum, up to 20
6 years of incarceration, a \$250,000 maximum fine, up to
7 a lifetime of supervised release, a \$100 mandatory
8 special assessment and a \$5,000 special assessment.

9 Count VII, which is the receipt count, again has
10 the same, a minimum of five years, a maximum of 20
11 years, a lifetime of supervised release, a \$250,000
12 fine and a \$100 mandatory special assessment.

13 Count VIII, the possession charge, has a maximum
14 penalty of 10 years, a maximum fine of \$250,000, up to
15 three years of supervised release and a \$100 mandatory
16 special assessment.

17 Now, if the Court were to impose the maximum
18 sentence as to all four counts and if the Court were to
19 require that they be served consecutively, that means
20 one after the other, then the maximum term of
21 imprisonment in this case is life, the maximum fine is
22 \$1 million, there's a lifetime of supervised release
23 and there is a \$400 special assessment and a potential
24 \$10,000 additional assessment.

25 Do you understand that these are the maximum

1 penalties that the Court could impose at the time of
2 sentence?

3 THE DEFENDANT: Your Honor, one thing on my copy
4 of the plea agreement, it says a maximum special
5 assessment of \$20,000. Is my copy correct or --

6 THE COURT: That's the special assessment.
7 You're correct. That's 20,000. It's 5,000 per count.
8 I apologize. I misspoke when I said it was 10,000.

9 Do you understand that those are the maximum
10 penalties that the Court could impose at the time of
11 sentencing?

12 THE DEFENDANT: I do understand that, your
13 Honor.

14 THE COURT: Okay. And you understand that if
15 you plead guilty, the Court will have no choice but to
16 impose at least a minimum of 10 years and up to a
17 lifetime of imprisonment? Do you understand that as
18 well?

19 THE DEFENDANT: I understand that, your Honor.

20 THE COURT: Okay. Are you a U.S. citizen,
21 Mr. Zenga?

22 THE DEFENDANT: Yes, sir, I am.

23 THE COURT: Okay. As a U.S. citizen, you have
24 certain valuable civil rights that you could lose if
25 you plead guilty to these felonies.

1 You could lose the right to vote, the right to
2 hold public office, the right to serve on a jury and
3 the right to possess any kind of firearm or ammunition.

4 Do you understand that you could lose these
5 valuable civil rights if you plead guilty to these
6 felonies?

7 THE DEFENDANT: I do understand.

8 THE COURT: Mr. McAdams, are there any
9 forfeiture allegations?

10 MR. McADAMS: Your Honor, there's forfeiture of
11 the various electronic media devices that were seized
12 in the case, telephones and some other electronic media
13 devices.

14 THE COURT: Thank you. Mr. Zenga, have you
15 discussed the forfeiture allegations with your
16 attorney?

17 THE DEFENDANT: Yes, your Honor, I have.

18 THE COURT: And do you understand that by
19 changing your plea of guilty today you give up any
20 right to contest those forfeiture allegations; that is,
21 you'll have no right to claim any interest whatsoever
22 in any of the materials set forth in the Indictment
23 forfeiture allegations?

24 THE DEFENDANT: I understand that, sir, your
25 Honor.

1 THE COURT: Now, Mr. Zenga, I want to make sure
2 you understand how the Court will go about determining
3 an appropriate sentence in your case.

4 At some point after this hearing, the Probation
5 Department will interview you and do a further
6 investigation in order to prepare a presentence report.

7 You have a right to have your lawyer present
8 with you for that interview with probation, and I
9 encourage you to make sure that your lawyer is present
10 for it, be it by Zoom or phone or however they conduct
11 it these days.

12 They'll prepare a presentence report that will
13 have a lot of information about the crime, your
14 background, any criminal history and whatnot; but,
15 importantly, it will calculate the advisory guideline
16 range. Those are guidelines that help the Court
17 determine what an appropriate sentence is in your case.

18 Now, I've not determined what the guideline
19 range is in your case. You may have calculated it.
20 Your lawyer may have calculated it. The Government may
21 have calculated it and told your lawyer who told you.

22 I need for you to understand that none of that's
23 binding on the Court. I'm not going to determine your
24 guideline range until after the presentence report is
25 issued, both sides have a chance to object to it, I

1 rule on those objections, and at the time of sentencing
2 in about 75 days or so I'll determine the guideline
3 range.

4 Do you understand as we sit here today I've not
5 yet determined what the guideline range will be in your
6 case?

7 THE DEFENDANT: I understand that, your Honor.

8 THE COURT: Do you also understand that as part
9 of your plea agreement that you agreed to waive any
10 right to appeal the sentence if the Court imposes a
11 sentence that's within or below the guideline range?

12 Do you understand that you've waived any right
13 to appeal the sentence in most circumstances under
14 those conditions?

15 THE DEFENDANT: I do understand that, your
16 Honor.

17 THE COURT: Okay. I'm now going to ask
18 Mr. McAdams to tell us what the elements of each count
19 are. Again I remind you, Mr. Zenga, that the
20 Government would have to prove each and every one of
21 the elements beyond a reasonable doubt in order for you
22 to be found guilty of any or all of the counts.

23 I'm then going to ask him to tell us what facts
24 the Government would prove if this case were to go to
25 trial, and at the end of it I'm going to ask you if you

1 admit the facts as stated by the Government as true.
2 So I want to you pay particular attention to the facts.
3 Okay?

4 THE DEFENDANT: Yes, your Honor, I will.

5 THE COURT: Okay. Thanks.

6 Mr. McAdams.

7 MR. McADAMS: Thank you, your Honor. Your
8 Honor, as the plea agreement indicates, the Defendant
9 is pleading guilty to Counts I, VI, VII and VIII of the
10 Indictment. So I'll go through each of those counts,
11 the elements, in order.

12 For Count I, which is using a means of
13 interstate commerce to entice or coerce a minor to
14 engage in illicit sexual activity, there are four
15 elements.

16 The elements are, one, that the Defendant
17 knowingly persuaded, induced, enticed or coerced the
18 person in question to engage in sexual activity;
19 secondly, that he did so using a facility or means of
20 interstate or foreign commerce; three, that the person
21 at the time was less than 18 years old; and, fourth,
22 that the sexual activity in question was a criminal
23 offense.

24 Generally the criminal offense is defined by
25 state law. In Rhode Island, a person is guilty of

1 first-degree child molestation, sexual assault, if he
2 or she engages in sexual penetration with a person 14
3 years of age or under. Oral sex constitutes
4 penetration for purposes of this statute.

5 With respect to Counts VI and VII, which charge
6 the Defendant with distribution and receipt of child
7 pornography, the elements are the same for both of
8 those counts except with regard to whether the
9 pornography was distributed or received. So I'll just
10 read those one time.

11 To establish those, the Government must prove
12 five essential elements: First, that the Defendant
13 either knowingly distributed or received a visual
14 depiction; second, that the production of such visual
15 depiction involved the use of a minor engaged in
16 sexually explicit conduct; third, that the visual
17 depiction is of a minor engaged in sexually explicit
18 conduct; fourth, that the Defendant knew that at least
19 one of the performers in the visual depiction was a
20 minor and that the visual depiction was of a minor
21 engaged in sexually explicit conduct; and, fifth, that
22 the visual depiction had been either transported in
23 interstate or foreign commerce or contained or was
24 produced using materials that had been transported in
25 interstate or foreign commerce by computer or other

1 means .

2 Count VIII charges the Defendant with possession
3 of child pornography. The Government must prove the
4 following five elements beyond a reasonable doubt:
5 First, that the Defendant knowingly possessed any
6 computer, computer storage medium or matter which the
7 Defendant knew contained a visual depiction of a minor
8 engaged in sexually explicit conduct; second, that the
9 Defendant knew the visual depiction contained in the
10 storage medium was of or showed a minor engaged in
11 sexually explicit conduct; third, that the Defendant
12 knew the production of the visual depiction involved
13 the use of a minor engaged in sexually explicit
14 conduct; fourth, that the child pornography had either
15 been mailed or shipped or transported in interstate or
16 foreign commerce by any means, including computer, or
17 had been produced using materials that had been mailed,
18 shipped or transported in interstate or foreign
19 commerce by any means, including computer; and, fifth,
20 that the minor child was real.

21 With respect to the facts, your Honor, had the
22 case proceeded to trial on these particular counts, the
23 Government would have proven the following facts beyond
24 a reasonable doubt:

25 In September 2018, Homeland Security

1 Investigations, Providence, Rhode Island, office,
2 received information regarding an investigation
3 initiated by the Bedfordshire Police Department in the
4 United Kingdom.

5 On June 8th, 2018, an individual later
6 determined to be the Defendant, using an e-mail address
7 ending in the e-mail company protonmail.com, made
8 contact with an undercover law enforcement officer on a
9 Russian file-sharing website. The name of the website
10 I will spell. It's iMGSRU, an unpronounceable word
11 that law enforcement uses the phrase "imager" to refer
12 to and I'll refer to it as those facts -- in these
13 facts.

14 iMGSRU is well known to law enforcement as a
15 website frequently used by individuals to meet and
16 communicate with other individuals who share an
17 interest in child exploitation materials. Protonmail
18 is an end-to-end encrypted e-mail service provider
19 based in Switzerland.

20 Between June 8th and July 20th of 2018, the
21 undercover law enforcement officer exchanged e-mail
22 communications with the Defendant via his
23 protonmail.com e-mail address. I'm going to read two
24 excerpts from the e-mail communications, which are
25 samples.

1 The Defendant stated, (Reading) Hi there. I saw
2 your album and comments on iMGSRC. I also have a
3 12-year-old kitty. She has been getting daddy treats
4 since she was little. She likes them so much that she
5 used to crawl into bed to get them while I was
6 sleeping. Hoping we can share stories about our
7 kitties.

8 The law enforcement officer responded, (Reading)
9 Hi. Nice to hear you have your own pet. Teenage, too.
10 I think we will have a few things to chat about. How
11 far have you gone with yours? Sounds like you've been
12 doing it for some time, eh? Hope she still likes
13 cuddling up to daddy?!

14 The Defendant responded, (Reading) Probably
15 since she was three or so. I used to watch her when
16 her mom was at work. It got to be too much of a hassle
17 to lock myself in my room when I wanted to jerk off, so
18 I started doing it with my laptop at the kitchen table.
19 One day she went under the table and did what comes
20 naturally to little girls. I started eating her pussy
21 every time my wife left the house after that day.
22 Still haven't fucked her yet, although she sat and
23 looked at TT with me while I jerked off last week. How
24 about you? How long have you two been playing?

25 A few days later the Defendant then e-mailed

1 saying, (Reading) Had a good Father's Day to hold me
2 over for a while. I was traveling for work last week.
3 My wife went out to run errands, and I had already
4 spent the day naked. So I sat down at the kitchen
5 table, pulled up some incest porn and started jacking.
6 She came over to watch me. She took her shirt off for
7 me and let me play with her little titties while I
8 jacked. She even finished me off with her hand. I
9 told her it was the best Father's Day gift I've ever
10 had so far. She seems to really like to hear that and
11 to know that her little titties got me off.

12 The Defendant then provided the undercover
13 officer with his username on a different social media
14 application called Kik, which they continued similar
15 conversations on.

16 Using the Kik username, Homeland Security was
17 able to track down the subscriber information and IP
18 addresses to the Defendant's residence in Middletown.

19 On October 17th, 2018, law enforcement agents
20 from Homeland Security and members of the Rhode Island
21 Internet Crimes Against Children Task Force executed a
22 federal search warrant at the Defendant's residence.
23 The residence was occupied by the Defendant, his wife
24 and a minor child.

25 The Defendant was Mirandized and interviewed.

1 Among other things, he stated the following: He
2 admitted that he received, distributed and possessed
3 child pornography on the social media application Kik
4 and through his protonmail.com e-mail address.

5 He admitted the particular username on Kik that
6 he had provided to the undercover agent. He admitted
7 the specific e-mail address that he had been using on
8 the iMGSRU website.

9 He acknowledged that he viewed child pornography
10 on multiple other websites. He admitted that he had
11 been sexually molesting his daughter. He stated that
12 it occurred approximately beginning at the age of eight
13 or nine, continuing up to approximately two weeks prior
14 to the execution of the search warrant, at which time
15 the victim would have been 13 years old.

16 He acknowledged that the sexual abuse began when
17 he was in the United States Navy stationed in Guam. He
18 stated that the abuse included performing and receiving
19 oral sex from his daughter and -- from the minor
20 victim. Excuse me.

21 He admitted that he was recently chatting on the
22 Kik application with another adult male about the
23 possibility of having the other adult male visit the
24 home and engage in sexual contact with the minor victim
25 while the Defendant masturbated. The Defendant

1 acknowledged that he actually recently discussed this
2 with the minor victim.

3 He had also admitted that he had child
4 pornography on his Apple MacBook Air top -- Apple
5 MacBook Air laptop computer and Samsung Galaxy 7
6 smartphone as well as the protonmail e-mail account
7 described earlier.

8 Forensic previews conducted by law enforcement
9 during the execution of the warrant located child
10 pornography in the e-mail account. For example, there
11 was an e-mail dated September 29th, 2018, from the
12 Defendant to another e-mail address on protonmail.com
13 with the subject line "Hello from iMGSRG" that had
14 attached to it three images of child pornography, each
15 depicting a minor female with an adult male penis in
16 her mouth.

17 Subsequent final -- subsequent forensic analysis
18 identified 355 images containing confirmed child
19 pornography and seven videos of confirmed child
20 pornography. The Defendant told agents that he
21 frequently deleted child pornography from his computer.

22 The minor victim was interviewed by a forensic
23 interviewer in the fall of 2018. At that time she was
24 13 years old. She disclosed that the Defendant had
25 been sexually molesting her since her first memories.

1 She had specific memories of being molested at age
2 three when the family lived in Navy housing in Japan.

3 In addition to Japan, she described specific
4 incidents of sexual abuse that occurred in Navy housing
5 in Guam as well as a hotel room in Texas when the
6 family was on vacation and numerous incidents that
7 occurred in Rhode Island.

8 She stated that the sexual abuse had been
9 continuous up until the date of arrest. She stated
10 that it happened pretty much whenever he knew my mom
11 was going to be out of the house for a while. She knew
12 that it was wrong, but she was afraid to tell anyone
13 because the Defendant told her not to and because she
14 was conflicted.

15 Notably, the minor described incidents very
16 similar to the incidents that the Defendant described
17 in the chats with both the undercover police officer I
18 described above and with another person that he was
19 communicating with online via the social media
20 application Kik.

21 For example, the Defendant described an incident
22 of sexual abuse occurring around the period of Father's
23 Day which in 2018 occurred on June 17th, 2018. Without
24 being shown any of these chats, the minor victim
25 described similar abuse.

1 She stated that in the summer of 2018, the
2 Defendant showed her both adult and child pornography
3 while masturbating and/or molesting her in order to
4 show her that such activity was okay and normal.

5 She described a specific incident where the
6 Defendant showed her images of three girls between the
7 ages of 9 and 14 who appeared to be sisters. They were
8 naked and posing in a sexually provocative manner.

9 The Defendant told her that he was sleeping with
10 their mother and that the girls just pop in from time
11 to time and do the same thing that the Defendant and
12 his daughter were doing, i.e., sexual contact.

13 She also described a 2018 incident where she
14 encountered the Defendant in the office across the hall
15 from her bedroom. He was naked watching pornography on
16 his laptop and masturbating while her mother was out of
17 the house. He then proceeded to sexually abuse her.

18 The victim stated that she came home and found
19 the Defendant viewing the pornography and masturbating.
20 He called her over and started touching her breasts and
21 buttocks under her clothes while masturbating.

22 The Defendant led her to her room, laid her on
23 the bed, asked if he could go down on her, i.e.,
24 perform oral sex on her. The minor victim did not say
25 anything, and the Defendant proceeded to perform oral

1 sex on her. After a while he stopped, said, "You taste
2 good," and walked back to the office.

3 I'm finished, your Honor.

4 THE COURT: Thanks, Mr. McAdams.

5 Mr. Zenga, you heard the elements of the
6 charges, each of the four counts that the Government
7 has brought against you. I again remind you that they
8 have to prove each and every one of those elements
9 beyond a reasonable doubt for you to be found guilty of
10 any or all of the counts.

11 You also heard the facts the Government says it
12 would prove if this case were to go to trial. Do you
13 admit the facts as stated by the Government as true?

14 THE DEFENDANT: Your Honor, I admit that the
15 facts are substantially correct and that an enticement
16 did take place.

17 THE COURT: What aspects of the facts are not
18 completely true?

19 THE DEFENDANT: John?

20 MR. MacDONALD: Your Honor --

21 THE COURT: I'm only trying to ensure that we
22 have a sufficient factual basis to establish each of
23 the elements of the four counts.

24 So if it's outside of that, then I don't have a
25 concern if there are quibbles with it; but I need

1 assurances from Mr. Zenga if it's true that sufficient
2 facts exist for each of the counts.

3 MR. MacDONALD: Your Honor, if I may.
4 Co-counsel John Calcagni discussed this with
5 Mr. McAdams yesterday. There are minor details in the
6 factual basis provided by the Government that Mr. Zenga
7 does disagree with. It does not affect the elements of
8 either of the counts he is pleading guilty to.

9 THE COURT: Any of them?

10 MR. MacDONALD: Thus the substantial agreement.

11 THE COURT: Mr. McAdams, are you satisfied with
12 that?

13 MR. McADAMS: That is correct, your Honor. What
14 Mr. Calcagni and I discussed was that Mr. Zenga's
15 concerned that some of the details that he described in
16 his conversations with the undercover officer were
17 exaggerations or fantasy stories about the abuse that
18 he committed.

19 He doesn't dispute that he committed the abuse,
20 that he described it, but he added elements of detail,
21 for example, Father's Day, certain things of that
22 nature that were not accurate; but Mr. Calcagni and I
23 discussed the fact that he is admitting that he
24 committed each of the elements of each of the offenses
25 that he's pleading guilty to; that is, he used a means

1 of interstate commerce, the computer; he showed the
2 minor victim pornography, adult pornography and child
3 pornography; he told her that this was something that
4 people do that's normal; he did it as a means of
5 grooming her for sexual abuse; he committed that sexual
6 abuse on her.

7 He also is admitting that he possessed child
8 pornography, that he distributed child pornography,
9 that he did so using facilities and means of interstate
10 commerce. Mr. Calcagni and I discussed --

11 THE COURT: And that --

12 MR. McADAMS: And that he received it as well.
13 Mr. Calcagni and I discussed it, and my understanding
14 is that he is admitting that he committed each of these
15 offenses and each element of the every offense but that
16 he thinks that, for example, the sexual abuse in his
17 memory occurred, as he told the agents, beginning
18 around when the victim was around eight; but he doesn't
19 dispute that the victim has told law enforcement that
20 she remembers that it began when she was around three.

21 He doesn't deny that two weeks prior to
22 execution of the search warrant he was sexually abusing
23 her using a means and facility of interstate commerce.

24 THE COURT: Mr. Zenga; is that correct?

25 THE DEFENDANT: Yes, your Honor, it is.

1 THE COURT: Okay. Before I ask you about your
2 change of plea, do you have any questions for the Court
3 or do you want to discuss any matter with your
4 attorney?

5 THE DEFENDANT: No, your Honor, I have no
6 questions at this time.

7 THE COURT: Mr. Zenga, how do you now plead to
8 the four counts contained in the Indictment against
9 you, Counts I, VI, VII and VIII, guilty or not guilty?

10 THE DEFENDANT: Guilty, your Honor.

11 THE COURT: This Court has heard from the
12 Government the evidence it would present if this matter
13 were to go to trial. The Court has questioned the
14 Defendant regarding his understanding of the nature of
15 the proceedings and the consequences of entering a plea
16 of guilty to the charge.

17 It's, therefore, the finding of this Court in
18 the case of the United States versus Ronald Zenga that
19 the Defendant is fully capable and competent to enter
20 an informed plea, that the Defendant is aware of the
21 nature of the proceedings and the consequences of his
22 plea and that the plea of guilty is a knowing and
23 voluntary plea supported by an independent basis in
24 fact containing each of the essential elements of the
25 charge. And, therefore, the plea is accepted; and the

1 Defendant is now adjudged guilty of those offenses.

2 Sentencing will be set down for February 2nd,
3 2021, at 10 a.m.

4 Mr. McAdams, anything further for the
5 Government?

6 MR. McADAMS: No, your Honor. Thank you.

7 THE COURT: Mr. MacDonald, anything further for
8 Mr. Zenga?

9 MR. MacDONALD: No, your Honor. Thank you.

10 THE COURT: Okay. Great. Folks, we'll stand
11 adjourned. Thanks, everyone.

12 (Adjourned)
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C E R T I F I C A T I O N

I, Karen M. Wischnowsky, RPR-RMR-CRR, do hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes in the above-entitled case.

January 11, 2023

Date

/s/ Karen M. Wischnowsky

Karen M. Wischnowsky, RPR-RMR-CRR
Federal Official Court Reporter